

MINUTES – AUGUST 20, 2012

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, August 20, 2012. Members present: Nathaniel Hall, Chairman, Cathy W. Lucas, Vice-Chair, William E. Carter, Jeremiah Jefferies, Gordon G. Satterfield, Kenneth D. Travis and N. Kent Williamson. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Hall opened the meeting with a Moment of Silent Prayer.

PLEDGE OF ALLEGIANCE

Chairman Hall asked the Board of Commissioners and the citizens present to stand for the Pledge of Allegiance.

APPROVAL OF AGENDA

Chairman Hall stated “Before we get to the Approval of the Agenda I think we need to add a Closed Session.” Mr. Howard added “And we are going to take off Item 8. A.” Chairman Hall continued “Okay we want to delete Item 8. A. from the Agenda and then we want to add a Closed Session for Attorney/Client privileges Mr. Attorney?” Mr. Ferrell responded “That is correct and we will elaborate on that when we get to the point of going into Closed Session.”

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the agenda as amended. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Consent Agenda. The motion carried unanimously.

The following item was included on the Consent Agenda:

A. Approval of Minutes of August 6, 2012 Regular Meeting

PUBLIC HEARING – NCDOT PLANS AND PROPOSALS FOR THE 2011-2012 SECONDARY ROAD CONSTRUCTION PROGRAM

Commissioner Jefferies moved, seconded by Commissioner Williamson to enter into a Public Hearing for the NCDOT Plans and Proposals for the 2011-2012 Secondary Road Construction Program. The motion carried unanimously.

Mr. Mike Mills stated "Mr. Chairman and fellow Commissioners I am glad to be here tonight. Mr. Fox our board member got tied up unexpectedly at a meeting later this afternoon and could not attend. I am Mike Mills the Division Engineer for DOT. I have with me tonight Bobby Norris. He is our new District Engineer for Rockingham and Caswell Counties. I hope that everyone has in front of them our 2011-2012 Secondary Road Program for Caswell County. We are anticipating, we do have an allocation for \$746,272 for our Secondary Road Construction Program for Caswell County. We plan on spending the majority of that money on paving the unpaved roads in Caswell County. I will go down that list right now. We propose to grade, base and pave Jeffreys Road from NC 57 to End of Maintenance, Ralph Daniels Road from SR 1300 to End of Maintenance, Thompson Road from SR 1315 to End of Maintenance, Wilson Road from SR 1330 to End of Maintenance and then the Norman Barker Road we are proposing putting \$20,000 on that at this point in time to partially fund it. If some of these roads fall out we will put that money towards Norman Barker Road. If not we will catch the rest of funding next time we come to you on the 2012-2013 program. That is a total of \$695,000 to pave about 2.3 miles of existing dirt roads. The remaining funds of \$51,272 we will keep in reserve for surveying, right of ways, road additions, contingencies, overdrafts, paving fire department driveways, rescue squads and such. That is our 2011-2012 Secondary Road Construction Program. Again we will probably be coming back to you all in the spring for the 2012-2013 Program. I will entertain any questions from the public or the commissioners at this time."

Chairman Hall stated "Before we get to the commissioners I wanted to make sure that the public heard the list of all the roads that were mentioned."

Commissioner Jefferies asked "That Norman Barker Road is that the road off of Snatchburg Road?" Mr. Mills responded "I believe so. I can double check that."

Commissioner Lucas asked "Do we typically use the additional funding every year for surveying, right of ways, etc.?" Mr. Mills responded "Yes ma'am we try to keep at least twenty or thirty thousand dollars in there to address some of those issues because to survey these roads it will be used to survey them with and the paving of the rescue squads and all of that. We can use that money for that. We try to keep some in there." Commissioner Lucas continued "If the money is not utilized what happens to that?" Mr. Mills responded "It rolls over to next year's program. There could be some of these roads that we could not get right of way on and what happens then is let's just say if we could not get the Jeffreys Road right of way, they just don't want to the road paved. That \$75,000 would probably go down to the Norman Barker Road to finish funding that and it is possible we could finish that one this year. Any road that we can't get the right of way we go down to the next priority number." Commissioner Lucas asked "I would be amiss if I did not ask you about the status of Rat Castle Road. I know the property has changed hands and I was just wondering." Mr. Mills responded "Let me check and see. Has that one been on our list before?" Commissioner Lucas responded "Oh yes." Mr. Mills continued "It is on our Hold List then. I will have to check and get back with you on that. Once we do not have the right of way for a road it goes on our right of way hold list and we put that road over there until somebody says we have changed our mind, we want the road paved now. When they do that we put it back in the program to do." Commissioner Lucas asked "The condemnation process, is that ever utilized?" Mr. Mills responded "Yes ma'am it is. It has changed now a little bit. It used to be if there was one parcel that would not sign the right of way the board member

would normally approve it and I think a \$2500 bond or check was required from the property owners. Now the law has changed where it has to be at least 75% of the people that have already signed the right of way. If you have a road that has one parcel or one property owner all on one side of the road even if they wanted it condemned it would not meet the requirement because it has to have at least 75% of the people to have already signed.” Commissioner Lucas continued “I think 75% of the people have already signed.” Mr. Mills responded “That is Rat Castle? If I could check tomorrow and make sure. If there has been a change of ownership we can certainly go back and address that again. Bobby is writing that down now. We can certainly check on that.”

Chairman Hall asked “Are there any other questions from the public?”

Commissioner Travis moved, seconded by Commissioner Jefferies to go out of the public hearing. The motion carried unanimously.

Commissioner Jefferies moved, seconded by Commissioner Satterfield to approve the 2011-2012 Secondary Road Construction Plan as presented. The motion carried unanimously.

**RESOLUTION
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
2011-2012 SECONDARY ROADS CONSTRUCTION PROGRAM**

WHEREAS, representatives from the North Carolina Department of Transportation appeared before the Board of Commissioners on August 20, 2012 and presented the Secondary Roads Construction Program for 2011-2012 for Caswell County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CASWELL COUNTY, that the Caswell County Board of Commissioners have reviewed said program and concurs with the Secondary Roads Construction Program for 2011-2012 as presented by the representatives of the North Carolina Board of Transportation as attached:

**North Carolina Department of Transportation
Secondary Roads Construction Program**

Caswell County

2011-2012 Allocation

Highway Funds	\$ 426,160
Trust Funds	<u>\$ 320,112</u>
Total	\$ 746,272

I. Paving Unpaved Roads

Programmed Paving Goal: 1.80 Miles

A. Rural Paving Priority

<u>Map Number</u>	<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
1	11	SR 1550	0.20	Jeffreys Road From SR 57 to EOM	\$ 75,000
2	12	SR 1331	0.60	Ralph Daniels Road From SR 1300 to EOM	\$225,000
3	13	SR 1309	0.50	Thompson Road From SR 1315 to EOM	\$187,500
4	14	SR 1329	0.50	Wilson Road From SR 1330 to EOM	\$187,500
5	15	SR 1544	0.50	Norman Barker Road (Partial Fund) From 1543 to EOM	\$ 20,000

Total Miles 2.30

Subtotal \$ 695,000

II. Funds reserved for surveying, right of way acquisition, road additions, contingencies, overdrafts, and paving entrances to certified fire departments, rescue squads, etc.

Subtotal \$ 51,272

GRAND TOTAL \$ 746,272

ADOPTED AND APPROVED THIS THE 20th DAY OF AUGUST 2012

S/Nathaniel Hall
Nathaniel Hall, Chairman
Caswell County Board of Commissioners

ATTEST:

S/Paula P. Seamster
Paula P. Seamster
Clerk to the Board

PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Mr. John Claggett came before the Board and made the following comments:

“Good Evening, my name is John Claggett and I reside at 108 Jaye Lane, Providence, NC.

I again thank the Board for the opportunity to comment publically.

Your agenda this evening contains the “Caswell County Vehicle Use Policy” as part of the County Managers Report and I would like to draw your attention to the last paragraph of page 5 of that policy entitled POST ACCIDENT SUBSTANCE ABUSE TESTING.

The content of this paragraph is totally inconsistent with zero tolerance. Zero tolerance means exactly that “ZERO”. A true zero tolerance policy means an employee who is involved in an accident or incident resulting in property damage and/or injury should have to submit to mandatory testing immediately. How is the County Manager, Department Head, or Human Resources Officer qualified to determine if an accident or incident no matter how serious or minor was drug induced and then the employee be possibly considered for testing? Either Caswell County has a zero tolerance policy or it doesn’t. Mandatory testing immediately following an accident and/or incident takes all of the guess work out of the issue. It doesn’t invite possible fraud in which that relatively new policy addresses even in this type of scenario, it’s ethically sound and doesn’t discriminate. It’s not based on an interpretation of events, which has the possibility of wasteful and expensive litigation. It’s clear, concise, and to the point. It is true zero tolerance, and that’s what we all, including our county employees deserve. Thank you.”

Chairman Hall asked if there was anyone else that would like to speak during Public Comments. With no further public comments Chairman Hall declared Public Comments closed.

APPROVAL OF PELHAM INDUSTRIAL PARK PHASE IV BOOSTER STATION IMPROVEMENTS CONTRACT

Mr. Matt Hastings stated “Thank you Commissioners. This is kind of a continuation of an approval you guys issued in March of this year to do additional water and sewer improvements in the industrial park. We split the contract in two: one part water and the other part sewer. We received bids a couple of weeks ago and the bid came in at \$86,000 which was under the \$111,000 originally approved in March. I am here to obtain approval to proceed with Phase IV of construction.”

Commissioner Lucas asked “How many phases are there in this project?” Mr. Hastings responded “There are 5 phases. I through III have been completed. This is Phase IV and we have one additional phase after this.” Commissioner Lucas continued “What will Phase V be?” Mr. Hastings responded “Sewer improvements.” Commissioner Lucas stated “Just looking at the 2 bids that we received there seems a huge difference between the two and I was just wondering how that could be and what it means where it says the removal of existing system components, is it an upgrade to the system?” Mr. Hastings responded “There is an existing tank and an existing pump that needs to be pulled. The contractor has to come in and take all of that out and put the new components in so that is what that consists of.” Commissioner Lucas stated “That is one disparity but another is with the site restoration, one is for \$19,000 and the other is \$2,000.” Mr. Hastings responded “I am thinking the other contractor was high because there was very little interest in the project so I guess he thought there was some room for making some extra money.

The removal of the existing system is pretty steep because he will get salvage value for what he would take out. The \$1,000 is actually a really good number.”

Commissioner Carter moved, seconded by Commissioner Satterfield to approve the lowest bid on the Phase IV Booster Station Improvements Contract as presented. The motion carried unanimously.

DETENTION CENTER UPDATE & CHANGE ORDER

Chairman Hall stated “We deleted Item A so we will start with Item B and Mr. Brennan is not here so we have Justin Doyne.”

Mr. Justin Doyne stated “Good evening Commissioners I am going to give you a brief summary of the construction that is going on right now. Construction of the new facility is moving forward. The building is completely dried in and we are beginning to install finishes. All of walls in the admin section are framed up and HM Kerns is beginning to hang drywall and frame the ceilings. Paving around the facility is complete including the additional parking lot. The additional parking lot was to provide the required amount of parking spaces that the city required of us. Most of the ductwork has been installed and Indicor is beginning to check the system for leakage. Once the system has been checked for leakage they will begin insulating the ductwork. Simplex Grinnell and Morgan Mechanical have both started installing the electrical wiring and will continue to pull wiring for the next month or so. Norment Security Group is our door installer and they have installed all of the door frames and are beginning to hang doors. Once they install all of the doors they will start to install the hardware. Construction is pretty much on schedule and it is tracking well with the construction schedule that was issued at bid. Any questions on the summary?”

Commissioner Satterfield asked “Mr. Doyne on that additional parking lot that you all constructed down there, why do you have all the water graded towards the law enforcement center?” Mr. Doyne responded “Well it is really not. Well it is and it isn’t. We have curb inlets along the curb that is there so any water that does hit that curb will drop into those inlets and go down the storm drain. We had roughly 4” of rain about three weeks ago and the curb did not get breached. The reason for doing it that way is it was the most cost efficient way. If we started disturbing that grade and going deeper we would have had to add retaining walls and stairs to get back up to the sidewalks that were already existing. We thought this was the most cost efficient way to provide the additional spaces.” Commissioner Satterfield continued “I am sure it is the most cost efficient way if we don’t have a water problem. You say it was 4” of rain I don’t know when that happened but if 4” of rain fell in a short period of time and did not breach the wall and didn’t get around that generator sitting down there, I assume that is a generator sitting down there?” Mr. Doyne responded “Yes it is. We have installed additional drains around that generator that goes to the storm system so if the water does get down to that generator there is a drain right there in the dirt that will drain back to the storm water system.”

Mr. Doyne stated “A quick update on the courthouse connector. The connector is still under design by the architect. The original plan was to connect to the second floor of the courthouse but then some unforeseen constraints and security issues with that we have elected to do a on the

ground connector that will connect to the first floor of the courthouse. Once those drawings have been reviewed and approved we will issue that out for pricing to all the prime contractors. Are there any questions on the connector?"

Chairman Hall asked "Are you at liberty to tell us what those unforeseen things were that came up?" Mr. Doyne responded "Some design constraints. Some security issues with escorting the inmates into the courtroom and those inmates being seen as under custody was not well liked by the judicial people down there I guess. They did not want to see inmates in constraints being escorted to the courthouse." Mr. Howard added "There was concern that with inmates coming in the door of the courtroom could bias the jury as to whether they are guilty or not. That was one of the concerns by the judges. Then you have the issue of taking them into that courtroom we have to have a courtroom downstairs as well, with the connecting going directly into the courtroom you can't get them downstairs without entering that door in that room." Mr. Doyne stated "You would have to escort them into that courtroom and then downstairs to the first floor courtroom." Mr. Howard added "Our original discussion was to go in the hallway or the break area on the second floor but due to the topography they would have to shift the building over to the right. One to allow us to get the additional parking we needed and the cost of moving all of that dirt due to the lay of the land to put the building in the center to do that would have been an additional cost to the building project. By doing it this way they can come into the courthouse and use the stairwell to go to the courtroom on the second floor. To be honest probably the biggest plus to this is the cost factor. It is probably going to be half of the cost it was going to cost to go into the top floor."

Commissioner Lucas asked "The opening that is on the upper level now is that going away?" Mr. Doyne responded "Yes." Commissioner Lucas continued "So that doorway will not be there?" Mr. Doyne responded "It will not be there." Commissioner Lucas asked "Will that be enclosed or will it be a breezeway maybe?" Mr. Doyne responded "What we proposed was an aluminum canopy with a secured wall or fencing material on the sides. It would be like a privacy fence or secured fencing so people cannot actually see into it and see who is being escorted and whatnot."

Chairman Hall asked "Can we get a written report on what I have just heard because I am still confused and I don't get the part about biasing somebody. It is a court and they are coming from a jail." Mr. Howard responded "Well that would be a minor issue. The bigger issues are 1) if they come in courtroom they have to go downstairs to get to the other courtroom and then 2) the cost to go from where the building is now all the way to the corridor is extensive and we looked at more cost effective options. There are also structural issues in the way the columns line up with that hallway. If they put the connector in there, there is a column that comes up right there if we go into the hallway that will cause a problem as well."

Commissioner Lucas asked "So they can't go through the courthouse and then up?" Mr. Howard responded "No ma'am, they will come in the back doorway, the double doorway, go up the stairwell and go right into the courtroom through there. Now they will go down the hallway if they have to go to the downstairs courtroom." Commissioner Lucas continued "And the original estimate we had was what?" Mr. Howard responded "Between two hundred and three hundred thousand dollars." Commissioner Lucas asked "And now what is the price?" Mr. Doyne

responded "We are estimating less than \$150,000." Mr. Howard added "And that includes the cost for fiber optic connections as well and not just the connector itself."

Commissioner Travis stated "I thought the purpose of putting the jail right at the courthouse was they could walk right in there." Mr. Howard responded "You still have the secure connection to the courthouse. The only difference is you go in the first floor instead of the second floor. That is the only difference in this connector." Commissioner Travis continued "I thought it was going to be closed in to start with." Mr. Howard responded "It is still going to be closed in."

Commissioner Travis stated "We were going to walk them straight into the courthouse and now we are going to walk them under a shed." Mr. Howard responded "It is not going to be a shed going across there. It is going to be similar construction. It is just not going to be lifted up in the air like it was before. We just don't have the cost of basically building a bridge between the two buildings."

Commissioner Satterfield stated "Mr. Chairman I just think there was a mistake made somewhere or some miscommunication made. I don't know who wants to own up to it or who doesn't want to own up to it. You know this thing about well it is coming right into a column of the existing courthouse if that is the case then it is Brennan & Associates and it is their problem. They did not design it properly. We are now going to spend \$150,000, even though it is \$100,000 less than what we thought, we are going to spend \$150,000 for a useless tower and a couple chain length fences with a canopy over top of it. Isn't that correct? What are we going to use that three story tower for?" Mr. Howard responded "You will still have access to the roof. Part of that was for access to the roof. The air conditioning units are on the roof."

Commissioner Satterfield continued "Access to the roof?" Mr. Howard responded "Our air conditioning units are on the roof. You can't go up through the jail facility to get up there so we have the access up that way." Commissioner Satterfield stated "That is not what it was designed for, to the access the roof." Mr. Howard responded "It still has a use is what I am saying."

Commissioner Satterfield stated "Somewhere along the line someone has made a bad mistake. I am kind of like you Mr. Chairman I would like to see something in writing to kind of explain a little bit better than what has been explained."

Commissioner Lucas asked "I think this may have been addressed before but the connector was a part of the original plan or was it not?" Commissioner Satterfield responded "No."

Commissioner Lucas continued "So it was not part of the original plan?" Mr. Howard responded "No there was an allowance in the budget for \$400,000. They were going to design the connector while construction was going on." Commissioner Lucas asked "And the money is there for that?" Mr. Howard responded "Yes ma'am." Commissioner Lucas stated "I would like to see a report as well."

Commissioner Lucas asked "Just a quick question. I know we took it off the agenda, the sewer lift station, has that already started? Have you started that project? What is going on down there across the street?" Mr. Doyne responded "That is a city project. That is a bigger project. They are installing a storm drain system to help to get some of that water that comes down and floods that area out. They are trying to, I guess, remediate that problem." Commissioner Lucas asked "So we have determined that the current system will not satisfy the new facility, is that right?"

Mr. Doyne responded "Correct. The current lift station will not satisfy the use of the new facility without substantial upgrades from what the engineers have told us."

Commissioner Carter asked "Mr. Doyne, are you still planning to put the grinder pump in?" Mr. Doyne responded "Yes sir." Commissioner Carter continued "Are we planning to maintain the sewer station or are we planning to have the town maintain it?" Mr. Doyne responded "Right now what we have issued out to the prime contractors is a new lift station for the new facility and to leave the existing lift station as it is. According to the city that lift station was just upgraded and it is all new parts anyway." Commissioner Carter continued "Will that be for county upkeep?" Mr. Howard responded "It will just for the jail facility itself. We will have the upkeep on that." Commissioner Carter asked "If we have a power outage will it be hooked up to a generator?" Mr. Howard responded "It will be hooked up to a generator, yes. It will be included in the generator that is already on the building." Mr. Doyne added "Yes it will be under emergency power so if the power does get cut off that generator that is running the new facility will operate that lift station." Commissioner Carter continued "Will that system have some type of dial up system on it?" Mr. Doyne responded "I will have to look into that but I know it has alarms so I am sure if that is not already done it is something that can be specified to be done. It will go into an alarm." Commissioner Carter stated "I would hate for us to go into the sewer business because that is a gray area." Mr. Howard responded "Well this is just for our facility. It does not take us into sewer business in Yanceyville. We already have some knowledge because we already have lift stations at the Pelham Industrial Park and we still maintain them."

Mr. Doyne responded "Smoke Evac Special Inspections. North Carolina law requires that the smoke evac system for the jail have a special inspector that works for the owner. I have 3 bids and issued those to the owner. One was \$7,000, one was \$7,900 and one was \$24,500. This is due to a jail in Mitchell County that burned down, well all the inmates died of smoke inhalation. None of them died due to being burned so the State requires this now. I am asking for approval on procuring a special inspector for the smoke evacuation system."

Chairman Hall stated "A special inspector so this is going to be a third party. Starting when?" Mr. Doyne responded "They systematically come in to check the system and at the end they will run a test and then they will send all of the paper work to the State saying that the system is acceptable and works correctly." Chairman Hall asked "Is this something Mr. Manager that we had anticipated?" Mr. Howard responded "Yes sir, it is included in the cost of the project." Chairman Hall continued "And we have 3 bids." Mr. Doyne responded "I have the 3 bids. One came in astronomical; the other two came in very close. One company is local out of Greensboro and I think the other one that was low is based out of Charlotte or South Carolina or somewhere down in there." Chairman Hall asked "I would assume then that from you and the County Manager you are going to recommend the lowest bid?" Mr. Doyne responded "Actually I believe I was going with the second lowest, Commissioning WorCx out of Greensboro." Chairman Hall continued "Whichever, I just think you need to tell us what you are going to recommend and why." Mr. Howard responded "I would recommend the low bid but he has reasons for accepting the other one." Mr. Doyne stated "I assumed it was a company out of Greensboro that would be more familiar with the area than a company coming from the other area. It just seemed they were a little far off to drive all this way to do all this testing." Mr.

Howard responded "I don't think that would qualify as a reason. I would go with the low bid. That is a good thought but it not a reason to not go with the lowest bid."

Commissioner Lucas asked "Is this a one-time deal?" Mr. Doyne responded "Yes ma'am." Mr. Howard added "Basically they are coming to inspect the construction of the smoke evac system and they will test it once it is completed and their inspection will go as part of the packet to the State to get approval on the facility." Commissioner Lucas continued "So it doesn't have to be retested?" Mr. Doyne responded "No ma'am. My experience is that it does have to be retested each year but it's usually the fire marshal that will come in and make sure that the systems are operational. He will do a one year walk through on the facility. That is required for the insurance."

Chairman Hall asked "Mr. Manager would you state us a recommendation so we can move forward." Mr. Howard responded "I would recommend accepting the proposal of KLG Jones which is the low bid at \$7,000."

Commissioner Satterfield moved, seconded by Commissioner Jefferies to accept the recommendation of the County Manager.

Commissioner Lucas asked "Where is the funding for this?" Mr. Howard responded "It is in the project fund, special testing fund."

Upon a vote of the motion, the motion carried unanimously.

APPROVAL OF FURNISHINGS, FIXTURES & EQUIPMENT FOR DETENTION CENTER

Lt. Tony Durden stated "Mr. Chairman and Board on behalf of the Sheriff and the Detention Transition Team we respectfully request \$168,748.74 from the Furniture, Fixtures and Equipment fund. An itemized list has been passed out and the majority of the items have a quote sheet attached and has been distributed to the Board. I will be glad to answer any questions or concerns that you have about this list."

Commissioner Satterfield asked "Mr. Durden do we have other estimates from other people? Was this bided out to other companies or did some other companies look at these items and give you bids?" Lt. Durden responded "Most of these items are state contract items. I can guarantee that there was tireless effort put into this to find the lowest bid possible." Commissioner Satterfield continued "Command Central subscription, 2 year subscription, tell me about that." Lt. Durden responded "I knew you were going to ask that question. I should refer this to the Sheriff but I will try to answer this the best I can. The best that I can answer it is like Comcast. It is mapping system that we would use to enhance the Sheriff's Office." Chairman Hall asked "Is it software?" Lt. Durden responded "It is software." Commissioner Satterfield asked "So it is a software program?" Lt. Durden responded "Yes sir."

Commissioner Carter asked "Lt. Durden I was looking at the list and maybe I missed it but are there any plans of putting a first aid box in the facility?" Lt. Durden responded "For the

detention facility yes sir. It is #25 CPR mask, trauma kit/glove pouch. The trauma kit is the first aid box.”

Commissioner Lucas asked “Mr. Durden on the computers, the 24 Hewlett Packards what exactly are they?” Lt. Durden responded “Desktop computers.” Commissioner Lucas continued “On the taser guns will they be strictly for the detention center or ...” Lt. Durden responded “They will be utilized by the Sheriff’s Office and the detention facility.”

Commissioner Carter moved, seconded by Commissioner Jefferies to approve the furnishing, fixtures and equipment for the detention center as submitted.

Commissioner Lucas asked “On the blinds and draperies, is that just for the administrative part or ...” Lt. Durden responded “That is just for the administrative part, yes ma’am.” Mr. Howard added “There are no windows in the detention part.” Commissioner Lucas stated “I wondered about that.”

Upon a vote of the motion, the motion carried by a vote of six to one with Commissioner Lucas voting no.

NORTHWOODS AUTOMATION SOFTWARE PURCHASE APPROVAL

Ms. Dianne Moorefield stated “Good evening. Sometime ago I presented a proposal to you for the Northwoods Software Solution package and I believe it was agreed upon by this Board. We need to enter into an agreement with the Northwoods folks. The second item of this is we need to discuss the payment method that we plan to use to pay for the Northwoods System. I think you received a packet earlier that had information on the Northwoods program. There was an agreement contained within that package and I believe the County Manager had an opportunity to have the County Attorney to take a look at the agreement so that if there are any questions we can try to get those resolved before anything is put into place.”

Chairman Hall stated “Fellow Commissioners I met briefly with the County Attorney prior to the meeting and unfortunately he did not get that package in time to review all 70 or 80 pages. I will let him speak from there but I think however we handle this tonight we would like to have our attorney to have the opportunity to review that.” Ms. Moorefield responded “Certainly.”

Mr. Ferrell stated “The agreement is essentially broken up into several components. You have a master agreement, if you will, with Northwoods and then you have a series of end user license agreement for the software portion of the proposed purchase. While the essential terms of the agreement are transparent and you can ask questions as to the business points, there are some legal issues that I would like to have an opportunity to negotiate with the vendor. The most obvious is a choice of law provision out of the state of North Carolina. So to the extent there is a dispute we would be forced under the agreement to venture out into another state to defend and that is certainly something that I will try to work out with the vendor. I understand there is a timing issue related to this approval tonight relating to the State moving to this type of system, etc. and perhaps Ms. Moorefield can speak to that better than I can but should the Board want to move forward tonight what I would recommend is that you approve the agreement subject to

final county attorney approval. Some of these legal items choice law provisions, etc. I can have the opportunity over the next week to negotiate with the vendor. I am just not ready to say I approve just yet without being able to review all of the pages.”

Chairman Hall stated “Now Ms. Moorefield I think you mentioned two things.” Ms. Moorefield responded “The second would be the financing option in order for us to move forward with this once we resolve this issue. We have two options and I believe that was included in the packet you received as well. The first option is what I recommend for a couple of reasons and that is to pay for this upfront. The reason being is we save about \$7,800 in interest by doing it that way. I had unexpended funds in last year’s budget and what I would ask is that you approve our ability to use that money that is already gone to the fund balance. If we could pull a portion of that money out that we at Social Services did not spend last year to pay the remaining cost other than what is in our current year’s budget. This would allow us, will allow the County Board to make installment payments. The company is very willing to set up some sort of plan over the next year as long as it is paid within a year so that you would be satisfied with the work as it progresses. That would be an installment plan in order to do it that way to save us the interest money. Of course, the second option is to finance it. You could pay for part of it this year and then the remaining balance next year. That would be certainly up to this Board to make that decision. I think in your packet you probably had information on both options that sort of spelled it out a little better. If you will recall when we started we were hoping to get this initiated out of last year’s budget because there was actually a three payment plan system set up but because that did not happen we need to compress it now to the two year span at the maximum. You have this information and if you have any questions I will try to answer those. I just think that with the push to get NC FAST under our belts within the next few months and this needing to be in place prior to that I would really like to see us move forward. I may not have any extra money in my budget next year so I think it is a good opportunity to maybe utilize those funds to give us a larger start on this process.”

Mr. Howard stated “The finance options are on page 162 and 163 in your packet.”

Chairman Hall asked “Let’s ask our County Manager and Budget Manager this question, did we budget the full amount for this year as per Ms. Moorefield’s first recommendation?” Mr. Howard responded “No sir, what is in the budget is one payment. If you want it paid off you would have to take roughly less than \$104,000 out of fund balance to do that based on what she did not spend last year. That is what she is talking about.”

Commissioner Jefferies stated “I thought this money we had from Social Services leftover and could not carry it over in 2012. It had to be put into fund balance. Ms. Moorefield is pretty well right and that is what the board said down there.” Mr. Howard responded “That is exactly right. It went into fund balance. It could not be carried over unless it is directed by this Board to carry over as part of the project. Technically the money is there. We put it in fund balance instead of...” Chairman Hall stated “Let’s be clear that we are talking about County dollars. Technically it is not there. Technically all funds reverted at June 30th. Anything past that is up to this Board to go into the fund balance.” Mr. Howard responded “Correct.” Chairman Hall continued “I just wanted to make it clear so whatever actions the Board wants to take that you

understand technically where the dollars are. It is not there. Only what we budgeted, what is in the budget plan for this year is what is there.”

Commissioner Lucas asked “What is that amount, the amount in the budget for this year?” Mr. Howard responded “Right at \$83,000.”

Chairman Hall asked “So we budgeted \$83,000. The total project is?” Commissioner Carter responded “296,856.50.” Ms. Moorefield stated “That is the gross cost.” Mr. Howard added “\$296,417.50 includes a maintenance payment for fiscal year 2013-2014.”

Commissioner Williamson asked “That does not have to come out of this year, right?” Mr. Howard responded “No the \$278,417.50 is what we will be spending this year. The State will reimburse \$92,000 of that.” Ms. Moorefield stated “We will be reimbursed \$92,921.75.”

Commissioner Carter asked “How much money was leftover in the budget last year?” Mr. Howard responded “Let me put a caveat with that, we will have money to go into fund balance the next fiscal year. The amount she gave you is not a guarantee of a total amount. When the budget year ended all County dollars are, some revenues maybe a little bit off and some expenditures may be a little bit higher in other places, but I am comfortable saying that the \$100,000 that she needs to buy this outright will be in fund balance at the end of the fiscal year. How much more than that I am not sure. It may be \$200,000 total.” Commissioner Carter asked “How much will be added after June 30th?” Mr. Howard responded “I can’t give you an exact number until the auditors are finished because the auditors may go in and change how things were entered in.”

Mr. Ferrell asked “Can you tell me how this vendor was selected?” Ms. Moorefield responded “This is a vendor that has done this particular document management, case management system throughout the state of North Carolina. They have done a really exceptional job with this implementation. We went to Alamance County to see this system in the works. They have worked with 30 some counties in the state. They are currently installing the system in Ashe County and Henderson County. They provided me with written documentation from those counties about how the process has been, how wonderful this program is. It has an extra piece that most cost document management programs do not have. They have a background of working in social services agencies so they are very familiar with that process. They have designed this program specifically for social services departments.” Mr. Ferrell continued “Can you tell the Board that the numbers, the pricing, of this project as presented is equal to or less than the pricing offered to other local governments in the state of North Carolina? I.e. are we getting as good as or a better deal as other projects. The reason we need to know that is to qualify for exception to the bidding rules, we are piggybacking because they are providing services to other local governments. We have to make sure that we are getting the same deal or a better deal than what other local governments are getting.” Ms. Moorefield responded “We are getting at least the same deal if not a better deal with this program.”

Commissioner Lucas asked “The total County dollars will be? You have \$82,300 and you are asking for approximately \$104,000 from fund balance.” Ms. Moorefield responded “We have

\$82,391 budgeted. I am asking for out of the fund balance approximately \$104,000 to make up the difference.”

Chairman Hall stated “So that means the total cost to the County is one hundred and eighty some thousand.” Commissioner Williamson responded “Yes, \$187,000.” Chairman Hall asked “Is that right Mr. County Manager.” Mr. Howard responded “Yes. We will expend \$278,000 and the State will reimburse for that money. I just want to make sure everybody understands that.” Chairman Hall asked “But what we have budgeted is \$83,000?” Mr. Howard responded “Correct.” Ms. Moorefield added “That was put into my budget when we were looking at the 3 year plan. That is how it was broken out that the first installment would need to be that amount. When we dropped back to 2 years that would need to change because we are short a year. Am I making sense? After July 1 they said that the deal would have to be consolidated to a 2 year plan as opposed to a 3 year plan.” Chairman Hall responded “I understand. And this was communicated to the Board when?” Ms. Moorefield responded “Well I believe when I came before this Board the first time I was stressing the need for us to try to get something done before the end of the fiscal year because that was the presentation for the 3 year plan. That did not happen.” Chairman Hall continued “I am just saying the last part that you said the vendor after we didn’t get anything done last year said it had to be compressed into 2 years. That is what you said.” Ms. Moorefield responded “That was their request; their proposal was to go with the 2 year plan.” Chairman Hall stated “To go with the 2 year plan and my question was simply just that proposal was communicated to this Board when. It seems like I am just hearing that tonight that is why I am asking that.” Mr. Howard responded “This is the first time this proposal has come to you.” Chairman Hall stated “Okay. I am clear.”

Chairman Hall stated “So what we have here fellow Commissioners is we need to take action on the Northwoods Automation Software. We need to deal with two things. The first part is the agreement and our counsel has recommended if the Board wants to move forward we do it with the caveat he be given at least a week to go through and handle some technical issues and negotiate some technical issues such as where we will go to court if there is a concern. The second part is the payment method and we have recommendation from staff on a proposed payment method. Those are the two things we need to deal with.”

Commissioner Lucas asked “Why would Northwoods put that type of time restraint on this project?” Mr. Howard responded “What you saw was 3 years. What they wanted was a payment in June, a payment when they started the project and a payment next July. It was only one year that they were financing it but it was 3 fiscal years if that make sense. It was not really 3 years. They wanted it all paid for within a year to fourteen months from when they started the project.”

Chairman Hall stated “We need to decide first if we want to move forward with the agreement. That would be the first thing. If we are going to move forward then we need to make a motion to that affect that will allow counsel a week to go through and look at some technical things in the agreement. Then the second part will be to deal with the financing or the payment schedule.”

Commissioner Travis asked “What is the time limit on this right here?” Ms. Moorefield replied “They had asked for a decision early this month but they agreed to delay it to give me an

opportunity to come to this meeting tonight. They were hoping to have a decision by the end of the month regarding this.” Mr. Howard added “They were hoping to have a decision before the NC FAST goes into effect in November or December.” Commissioner Travis continued “What if we start this and we decide that we need to do something different?” Chairman Hall responded “Well then this Board will make a decision to do something different. We will have to hear from the attorney at that point.” Mr. Ferrell stated “If there are substantive issues that I am unable to resolve to my satisfaction with the vendor I am not going to approve anybody to sign that what it means to be subject to final county attorney approval. If we come to an impasse then that will have to come back before the Board and it is possible that we might not have a signed agreement if I can’t get comfortable with it I am not going to give my approval.”

Commissioner Jefferies moved, second by Commissioner Carter to approve the Northwoods Automation Software agreement with the caveat that the county attorney be given ample time to review the contract and give his final approval. The motion carried by a vote of six to one with Commissioner Lucas voting no.

Chairman Hall stated “The next thing is to decide is the payment method.”

Commissioner Carter stated “If we have the money in fund balance I would say that we take the full amount and save the \$7,800 in interest.”

Commissioner Satterfield asked “I just have one question that I need to get clear in my mind. Of course I know this date on here does not mean anything looking at the financing options but payment 1 with no interest or anything is that the total amount? Are we going to pay them upfront?” Mr. Howard responded “No sir I told them we were not going to do that. It will be the cost of materials and things like that upfront. When they finish the project we will probably make another payment. We are going to hold 10% of the total cost, about \$28,000, until we are satisfied that the system is up and running.” Commissioner Satterfield continued “You are going to pay how much to start with?” Mr. Howard responded “Probably about 30 to 40% of the project upfront so they can go buy the materials and all the stuff they need to install. When they get completed there will be another payment and we will hold about 10% of the cost for a few months to make sure that it is running properly.” Commissioner Satterfield stated “So 50 or 60% will be paid at the end and you will hold 10% for 6 months or 12 months or whatever to make sure the system is up and running like it should be.” Mr. Howard responded “Yes sir.” Ms. Moorefield added “And they are agreeable to that.” Commissioner Satterfield stated “Well the only thing I saw was where it said 8/15/12 \$278,000.” Ms. Moorefield responded “They said they would be willing to negotiate the specific payments.” Mr. Howard stated “There is no way that I would pay everything upfront.” Commissioner Satterfield added “No I don’t think we should pay everything upfront.”

Commissioner Carter moved, seconded by Commissioner Jefferies to approve Option 1 and to take \$83,000 from the Social Services’ budget and \$104,000 from fund balance and to pay according to the payment schedule the county manager recommended.

Commissioner Lucas asked “Is that correct?” Mr. Howard responded “What we needed was the ability to take out of fund balance what we actually need. We may budget \$104,000 now but say

at the end of the year we only need \$50,000 of that that is all that will come out of fund balance.” Chairman Hall stated “I guess her question is, is \$83,000 basically correct and is \$104,000 basically correct.” Mr. Howard responded “She has the exact number. I don’t have it in front of me.” Ms. Moorefield responded “We have \$82,391 in our current budget.” Chairman Hall stated “So the \$83,000 is basically correct. Now the next number.” Ms. Moorefield continued “The next number is somewhere around \$103,104.75. I am not sure if this includes all of the taxes or anything but the fund balance figure is \$103,104.75.” Chairman Hall stated “So the \$104,000 is basically correct.” Commissioner Lucas asked “What about the balance between that total and the total cost of the project?” Mr. Howard responded “I don’t think we need to budget fund balance for that. We will expend that and then get reimbursed once we expend that money. It will come out of the general fund budget for this fiscal year.” Ms. Moorefield added “We would use our eight some thousand dollars to make payments and as we spend it we will turn around and claim the reimbursement. We will be getting money back throughout the process.” Commissioner Lucas stated “Okay as long as it is all covered.”

Upon a vote of the motion, the motion carried by a vote of six to one with Commissioner Lucas voting no.

RECESS

The Board took a brief recess.

UNIFIED DEVELOPMENT ORDINANCE CONSULTING FIRM CONTRACT APPROVAL

Mr. Brian Collie stated “Good evening. Before you tonight is a contract for consulting services from Holland Consulting who will help with the drafting of the Unified Development Ordinance. The contract has been review by the county attorney, county manager and myself. As you can see attached into the contract is an Attachment A Scope of Work giving a timeline as well as an Attachment B Hourly Rates. The total cost is not to exceed \$35,000 which was budgeted for this year.”

Chairman Hall asked “Tell us what is the consulting firm’s role in this process? What are they to do?” Mr. Collie responded “There is a representative from Holland Consulting here. Mr. Holland is here tonight if you have any questions for him. Their role would be the development of the UDO from start to finish combining the two initial steps in the RFP and working with county staff, the Planning Board and Board of County Commissioners to get that accomplished.”

Commissioner Lucas asked “On the Scope of Work where it says General Project Responsibilities. It says ‘Providing guidance regarding any zoning map changes which are a result of text changes to the UDO’ how do they propose to do that when we don’t have zoning ordinances?” Mr. Collier responded “Regarding any zoning map changes, of course we do have the zoned area of Hyco Lake and I guess that is in reference to any of the county zoning that is present at that time and changes of that sort.”

Chairman Hall stated “One of the things that we have talked about Mr. Collie and to the County Manager when we started discussing this process is looking at current ordinances and making

sure at least that those that are in conflict with each other are identified, those that are in conflict with current laws are identified and pulled all together in some type of way. Is that a part of this scope of work as identified?" Mr. Collie responded "Yes sir, that is very much so a part of it." Chairman Hall continued "Is it in there?" Mr. Ferrell responded "It is certainly in there and Mr. Holland is here this evening and of course he has been involved with this type of project across the state of North Carolina. Since he will be working with Caswell County for the next several months I would love to hear from him about his views of getting started with the project if the Board is interested in hearing from him. He made the trip here this evening."

Mr. Holland stated "Good evening. I appreciate the opportunity to be here this evening and hopefully looking forward to the opportunity to assist the county with this project. Chairman Hall I think you stated that very well about merging these existing documents into one document making sure that the UDO is consistent with the current state statutes. You have a number of ordinances right now that are not consistent with current state statutes and have not been updated to accommodate a number of changes dealing with planning that have taken place in the years starting 2005 and up until the current year. The question concerning the zoning map, the reference is concerning the zoning map for the area around the lake. It is zoned. There are a lot of inconsistencies that exist between the current ordinance and that is not abnormal for a city or a county to have ordinances that have been developed over a period of time and inconsistencies do inadvertently unintentionally materialize. It is our responsibility to work with your staff and Planning Board to produce the document. I want to be clear that it is extremely important when this draft is produced it must reflect opinions of the staff, Planning Board, and this Board. I am not in this project, I am not being brought into this project to tell you what ought to happen in Caswell County. What ought to happen in Caswell County is what this Board and citizens of Caswell County want to see happen. My primary charge is to help get a technically sound document that does that. When these documents are merged into one document what you should have is a document if you will that is more user friendly. If someone walks into the county Planning Office and they ask to see what ordinances they have to comply with to develop a piece of property or to be in compliance with the county's land use regulatory ordinances they are going to be handed one document instead of a load of documents. That fact alone with the end product should be better for the citizens of Caswell County in terms of its utility. The schedule calls for us to present to this Board a draft document by the end of March 2013 with the objective hopefully being to have a public hearing in April 2013. There is one item in the draft contract that was not in our original scope of work submitted in response to the RFP and that is the establishment of the dedicated website that will have nothing on it except information related to this development of this UDO. As sections of the UDO are drafted as they move forward through the Planning Board we would intend to put those draft sections on that website. This has been recommended and will be done as an effort to make sure that this process is transparent and that anybody that has access to a computer can have constant access to the development of the project. It is a website that we will maintain. The licensing fee for the establishment for the website for the year that we have this project underway or part of the year we will have it underway Holland Consulting Planners will pay that fee as a part of our contractual obligations."

Chairman Hall stated "Thank you sir. That was very concise and complete. You answered all of my questions. The reason I asked those to staff was to make sure that for any citizens that are

here that do not have access to what we have access to, is that everything is clear that we are covering what we propose to cover and you made that clear. Any questions or comments?"

Commissioner Lucas asked "Mr. Holland how does the current land use plan play into the new UDO?" Mr. Holland responded "State statutes require that at any time a jurisdiction is making a zoning decision, which will only affect the area around the lake, the zoning decisions have to be made consistent with your adopted comprehensive plan or if you make a decision inconsistent with the plan you will have to explain why you made that inconsistent decision. Also the state statutes state that all zoning ordinances are supposed to be based on an adopted comprehensive plan and third comprehensive plans routinely have a number of objectives or items that could impact other ordinances other than zoning such as sign ordinances, telecommunication ordinances, manufactured home ordinances so in general the simple answer to your question is with respect to planning and land use planning in North Carolina your regulatory ordinances should be consistent with your comprehensive plan. The comprehensive plan really is the basis of the planning process in North Carolina although the State statutes in North Carolina are not nearly as rigid with respect to that as you would find in some other states such as Florida, New Jersey even Virginia are more demanding in their expectations than North Carolina is." Commissioner Lucas continued "Chairman Hall I just need to clarify something. Mr. Holland you are aware that we have a land use plan in place? It was adopted in 2004 and you are aware of that?" Mr. Holland responded "Yes." Commissioner Lucas stated "I just needed to clear that up in my mind. You have a copy of this?" Mr. Holland stated "Yes." Commissioner Lucas stated "I was under the impression that it had disappeared or something." Mr. Holland responded "As well as I can see it yes ma'am I have a copy of that."

Commissioner Satterfield moved, seconded by Commissioner Williamson to accept the recommendation of Mr. Collie to enter into an agreement with Holland Consulting Planners, Inc. The motion carried unanimously.

APPROVAL OF LEASE TO PURCHASE AGREEMENT FOR LP 15 EKG MONITORS

Mr. Barry Lynch stated "Jeff got tied up in Charlotte and was not able to get back so if it is okay with the Board I will be filling in for him tonight. My purpose here tonight is to ask permission to enter into a lease to purchase agreement with Physio Control to lease our 4 cardiac monitors. The cardiac monitors that we currently have are 5 years old, 6 years old I am sorry. The suggested life span per Physio is 5 years. The reason we are looking at the lease to purchase is it is in the budget for this fiscal year instead of \$140,000 at one time we can break it down into yearly payments of around \$30,000. The County Manager has the details as far as the financing and the lease for paying for the project. We have from the Duke Endowment Foundation; we received a grant and received 1 monitor for free. That monitor does not have the additional items on it that we will need the temperature monitor and the blood pressure monitor. It did not have all of that on it. It was just a base model that they gave out. With these new monitors they have core temperature monitoring capability. This is a new very important piece of equipment of us. Within the next few months as soon as Danville Hospital gets everything in place we will be starting a hypothermia unit. If a patient is in cardiac arrest we will be able to cool their body temperature down to around 90 degrees. When doing that it is proven that it increases survivability and it is becoming a national standard for hypothermia protocol. The temperature

monitors on these monitors are essential for us to do this. The county manager can let you know exactly what the, I was not involved with the number part of it so.”

Mr. Howard stated “You have a memo in your packets. Went out RFPs and we received 3 responses. The lowest proposal was 2.11% from BB&T Financial based on \$146,400 and I am not sure it will be quite that much when it is all said and done. What we have budgeted covers that payment amount.”

Commissioner Satterfield asked “Mr. Manager we talked about this at budget time is that correct?” Mr. Howard responded “Yes sir.” Commissioner Satterfield continued “And the amount of money that we talked about at budget time that was set aside was basically the same thing it is now?” Mr. Howard responded “Yes sir. What you received in your budget was based on US Bank which was a company they used for financing and their rate was 4 ½% so we went out and got bids from our normal folks and got it for 2.11%.” Commissioner Satterfield asked “So the recommendation is BB&T?” Mr. Howard responded “Yes sir.”

Commissioner Lucas asked “Have you exhausted all of the grant options that you are aware of?” Mr. Lynch responded “Yes ma’am. There is one additional piece to this; if we do it by the 30th of September they are going to add in a Lucas device which is a mechanical CPR device. It is normally a \$13,000 piece of equipment that they will put in the deal for \$1,000. I am currently looking at, we need 2 more of those, and I am looking at grant options for those so we don’t have to pay for the CPR Lucas machines.”

Commissioner Carter moved, seconded by Commissioner Jefferies to approve the lease to purchase agreement to purchase the Physio Control monitors through BB&T Financial. The motion carried unanimously.

COOPERATIVE EXTENSION 40-HOUR SPECIAL LEAVE

Mr. Joey Knight stated “Good afternoon. I come to you tonight to hopefully clarify the 40-hours Special Leave that we requested from the State. As most of you know the State passed the 40-hours Special Leave be granted to state employees. We have to remember the Cooperative Extension is a very unique organization, in which we are a partnership between the federal, state and local governments. I talked a little bit about the MOU. I did get a copy of the MOU which is a Memorandum of Understanding to Paula. It talks about benefits and the 40-hours special leave is a benefit that the State provides partial of it and the county provides partial of it. It is similar to petty leave that we grant to county employees in which I have 2 county employees. I have 6 state employees at the Cooperative Extension and those are the people that I am requesting the leave for. For example, our salaries are paid by the state and the county. The employees are considered facility members of the county because 100% of their service time goes to the county at 50% of the cost to the county. It is a real good deal from that standpoint. The special leave is an added extra benefit that they granted because there were very few raises going out. Most of you know the raises were 1.2% to state employees but in our organization it is very unique because 1.2% goes to the university. The university figures up a formula that they want to give out to the counties and that is all 100 counties. We might get 1.2% or we might get less and we might not get any. The special leave is just a leave that gives to them say for

example in my situation I would get 3 days of special leave from the State and 2 days from the county if the county approves it from the county. We have to use the special leave before we use the annual leave or any other type of leave. It cannot be cashed in. If I retire or resign or whatever, it will be forfeited back to the State. We do have one cross county agent Mr. Will Strader here in which he would only get 25% of that which would be about 1 day from the county. I am asking for your approval yes or no one way or the other so I can let the State know because they are hounding at me wanting an answer. We have had out of the 100 counties so far about 65 or 70 to turn it in and the majority of those have been yes. There have been very few no votes. I do have the MOU if you don't have a copy. I will be glad to provide it to you. It was passed in 1993 by Mr. Blackwell. The reason why was because some of you may remember Mr. Henry Badgett he was an agent through the NC A&T program and we had to update it so we could include NC A&T as well. In that MOU it talks about benefits and salaries. Are there any questions?"

Commissioner Carter moved, seconded by Commissioner Jefferies to approve the 40-hours Special Leave for 2012-2013. The motion carried by a vote of six to one with Commissioner Travis voting no.

NCACC 2013-14 LEGISLATIVE GOAL PROPOSALS

Chairman Hall stated "I now this was included at the last meeting. I don't know if any of the commissioners have any goals worked out as of yet. If you do we can hear them now. We are aware and I know in the packet there is a list of NCACC's goals from last year, the ones that were successful and the ones that were not. We are not necessarily tied into those goals, if there are any other goals that you think would be worthy of statewide support or needs statewide support that is what the Association is looking for. I think we have maybe another week or two to get these goals to the Association by September 16th or 17th."

Commissioner Satterfield asked "Mr. Manager where did we end up this year or last year in the legislative session on the broadband initiative where the counties could participate like the municipalities are?" Mr. Ferrell responded "The authority given and I can get a more thorough briefing for you is counties were given the authority to give grants to private companies to develop broadband internet. It is not a prohibition anymore of getting into the business but what it allows is counties to give money to private entities to bring broadband in. That is my understanding of what they have done." Commissioner Satterfield continued "So like the last grant we were working so hard to get and thought we had everything worked out, if something like that were to come along again could the county accept that grant and give that grant, like the stimulus money?" Mr. Ferrell responded "I would have to go look in particular to see if there are restrictions on where you get the funds. The legislation did not like the idea of counties being in the business of competing with the private industry for the provision of these services so they said though there is some recognition that there is a need for this in rural counties that counties can provide money to private companies to provide this service." Commissioner Satterfield stated "One we will never have the money available unless we get it in a grant to give anybody for that. If in fact the bill is written where we can't pass on a grant to someone else then it is no good. That does not help us at all. Maybe you need to do a little bit of research on that Mr. Chairman and we may have to come back on that one a little bit. That is the only way we can

compete with the private enterprise in a rural county like this that does not have anyone, CenturyLink, AT&T or anybody in Caswell County that is ever, ever going to come in here and build an infrastructure that we need to go out here and try to solicit homeowners, or anyone else because they can't get the speed that they need. We don't even have it in our industrial park right here in Yanceyville. We have something like 3.5 or 3.7 upload and a whole lot less in download or vice versa. I don't know which one is the highest but we operate sometimes at a snail pace out there. We have more and more citizens that operate their businesses out of their home and things like that. Until we get some infrastructure into the broadband world we are just in a non-competing mode with all the places around us. They are not going to put any money in Caswell County. They may come and tell you that we can get you up to date but they can't do it. They can bill you that much but you are not going to get it unless you are a few miles of this central station here in Yanceyville. That is about the only place you are going to get it in Caswell County. I think that is one of our priorities Mr. Chairman and probably any rural county like Caswell County I would think." Mr. Ferrell responded "Maybe I can start with providing what the legislature did in this last session regarding the broadband access issue and bring that to you to see where we are and then move forward based on where we are now."

Chairman Hall stated "We may want to kind of tweak our request. If we are having this problem I think the other rural counties are having this problem tweak it such that we can get not just a main internet in broadband but actually the capacity. That means we will need to dig in a little deeper. If you look at the statistics the providers will say we cover 96% of the people in the county or something like that or eighty some percent but they don't tell us what they cover us with. We will keep that on and we may want to tweak that some."

Commissioner Lucas asked "Is the town going to expand more down Main Street?"

Commissioner Satterfield responded "Are you talking about to the wireless? They said at the meeting we had with them they would like to expand if they get the money to do that. I don't know what kind of speed you are going to get from that and I don't think that most businesses are going to want to operate on a wireless internet, I don't think they will. I think they are going to want to be hardwired especially in the industrial park. It is more dependable."

Mr. Howard stated "Can I add something? I received an email last week. Apparently CenturyLink got a federal grant. I can't remember if it was thirty-five million or thirty-five billion, I think it was thirty-five million. I am trying to find out how that relates to Caswell County; I have not found that out yet. What it is, is the grant will go into rural communities and increase speeds and increase coverage. Now this is nationwide, it is not just North Carolina. I am trying to find out if that means anything for us at all and if does mean something maybe we can get some input on what we need."

Commissioner Satterfield stated "Mr. Chairman perhaps we need to get CenturyLink people back in and let them explain what their intentions are with that grant money and if any of it is coming to Caswell County." Chairman Hall responded "Okay but we not only need CenturyLink we need all the providers. That would be CenturyLink, AT&T and whoever else is out there."

Commissioner Carter asked “Do you have DSL at the industrial park?” Commissioner Satterfield responded “Yes.” Commissioner Carter continued “I understand that CenturyLink did a 3 miles radius from the town.” Commissioner Satterfield responded “Yes it is DSL out there but you can’t increase the speed. If you go back to the intersection of Fire Tower Road and go towards Caswell Pines where it has the net down there you can get up to 10 gigs down that way but if you come back up the road to where the industrial buildings are at and down Fire Tower Road you can’t get it. The places where we have industrial sites you can get it. It comes somewhere around there and takes a right according to the CenturyLink people. I think they have around 10 gigs around Caswell Pines.”

Chairman Hall stated “That is certainly one of the things that we will keep on our agenda. If there are other items that we need to add to the legislative goals let’s make sure that we get those within the next couple of weeks so we can get them back to the Association in September. We want them to go through the committee process because when they go through the committee process that is where they get the support.”

Commissioner Carter stated “I was asked by a citizen about the AT&T mobile service. There is no coverage in town. I thought there was some discussion during a meeting where AT&T putting up a tower at the landfill.” Chairman Hall responded “There was some discussion. A private provider came in and asked for permission to put up a tower and the provider said they represented AT&T. Where that is I don’t know.” Mr. Howard responded “They are expected to start the construction process. They are not in place yet. They have all of their permits but they have not started construction.” Chairman Hall stated “So to answer your question Mr. Carter nothing has been done yet. Most people who come into the county with AT&T have no service.” Commissioner Carter responded “So AT&T is in the process of putting up a tower at the landfill.” Chairman Hall stated “But keep in mind one tower will not give you service. Even though they are putting that tower up you are not going to have very much in regards to county coverage. That is something internally that we need to discuss even more about service for citizens not withstanding what provider they are using. Right now it is a nightmare. Let’s keep Item 14 in mind. We do need to finalize that at our next meeting.”

APPROVAL OF CAPITAL NEEDS PROJECTS Historic Courthouse

Mr. Howard stated “The first item is for this building. You have a memo that gives the 3 estimates we received. Progressive Contracting Company \$77,300, HM Kern Corporation \$99,500 and Facility Paint & Coatings \$103,740. I would like to add when I was going through their proposals Progressive Contracting did not include moving the benches out of here and I got a quote from them for \$1500 to take the benches out for them to come in to do the work. That was included in the other two proposals. We need to add \$1500 to the Progressive bid of \$77,300 to remove the benches.”

Chairman Hall asked “Where are we going to put them?” Mr. Howard responded “That is part of the problem. They wanted to use their scaffolding system. I guess we could take them and store them at Guilford Mills. They want to put a floor in 6 feet below the ceiling in the whole room to do the ceiling work.” Chairman Hall continued “Will the benches need to be taken

apart?" Mr. Howard responded "I don't think so, no. They will be taken out the balcony. They will use a lift or something to lower them off the balcony."

Commissioner Lucas asked "Does these quotes include just the repairs to the ceiling or does it include other things that are needed? I don't see where Progressive included the exterior work." Mr. Howard responded "It is basically based on the scope of work which included exterior work. What I asked for was the linear price for replacing the wood if it needed to be replaced. You are looking at probably a couple of thousand dollars to do that work up there at the most." Commissioner Lucas continued "The Kerns quote did include it." Mr. Howard responded "Yes ma'am. Progressive actually included repair work in the two stairwells and I did not have that in the scope of work. They added extra work in their price."

Commissioner Satterfield asked "Mr. Manager I noticed in reading these contracts that Progressive said they priced this job based upon the scope of work provided by email. Has anyone from this company been up here to look at this job?" Mr. Howard responded "Yes sir. I called them to see if they were interested in bidding. I emailed them the scope of work. They had about 8 people up here looking at it. They had someone from Sherwin Williams, the scaffolding company they are going to use, the plastering contractor they are going to use, and the painters were all here. They went all through the building and I walked with them. Each company that has a bid here has come and looked at the building." Commissioner Satterfield continued "It said on there that they have excluded the builder's risk insurance for the project. Does that mean that they are not going to cover any liability insurance on this project?" Mr. Howard responded "They have liability insurance; they will not be carrying builder's risk which is something..." Commissioner Satterfield stated "In case something happens to the building." Mr. Howard responded "Yes sir." Commissioner Satterfield continued "I don't know. It just seems like to me that they have more exclusions than things that they are going to do. Do we have any types of references on any of these companies from anyone? I did not see any in here." Mr. Howard responded "Progressive came off the list I got from the State Historical Preservation Office, the contractors that they had. They do this type of work." Commissioner Satterfield asked "Did they give you any references?" Mr. Howard responded "I don't have references of actual work done, no." Commissioner Satterfield continued "Did anybody give you any references?" Mr. Howard responded "No sir." Commissioner Satterfield stated "On any work that they have done on any old buildings?" Mr. Howard responded "No sir. I can get some. Kerns is doing the Alamance Courthouse right now." Commissioner Satterfield continued "Before I spend a hundred thousand or whatever I would want to know the quality of work they have done for someone else in this type of scenario I think."

Commissioner Satterfield moved, seconded by Commissioner Travis to table this item until the next meeting to give the County Manager time to get some references together and to find out more information about these 3 contractors.

Commissioner Satterfield stated "I would like to get started on the work but I would like to know a little bit about the contractors before spending any money."

Commissioner Lucas asked "We have been talking about this for a while. Are we going to require the same thing on the roof?" Commissioner Satterfield responded "If they don't have

any references, I don't know what kind of work these people have done Commissioner Lucas." Commissioner Lucas stated "HM Kerns is doing work right down the street. They have done quite a bit of work on the detention center." Commissioner Satterfield responded "It is not a historical building though." Commissioner Lucas stated "I understand." Commissioner Satterfield responded "It is a little bit different when they come in here."

Upon a vote of the motion, the motion carried by a vote of six to one with Commissioner Lucas voting no.

Commissioner Lucas asked "Table until when if I might ask?" Mr. Howard responded "I will have information at the next meeting."

Guilford Mills

Mr. Howard stated "You have quotes here for the Guilford Mills roof. Baker Roofing Company was the low bid \$165,905 for a 15 year warranty and it also includes an add alternate of \$1,375 to go to a 20 year warranty on the roof. This would be the same as A.S. Pugh's bid of \$166,809."

Chairman Hall asked "What was our RFP? What did we request in terms of the roofing quality in terms of the years?" Mr. Howard responded "We did not have it specific in the RFP. When it started out most of them did a 10 year, 15 year and 20 year options when they gave them to us. The actual total bid from Baker Roofing is \$165,905 and they just finished a roof for the Town of Yanceyville on the municipal building." Chairman Hall stated "So what I understand from what you are saying is Baker is the lowest and they have offered an option to upgrade that lowest bid." Mr. Howard responded "Yes sir and that is included in the \$165,905." Chairman Hall continued "The reason I questioned what the RFP said is to see if it is consistent with the other bids." Mr. Howard responded "Yes sir."

Commissioner Satterfield stated "That puts them in second. That does not make them the lowest bid anymore." Mr. Howard responded "No sir, they are still the low bid. The \$165,905 includes the add on of \$1,375. If you want to upgrade to a 60 mil roof it is \$7,000 more."

Commissioner Lucas asked "What is the \$7,000 for?" Mr. Howard responded "That is a thicker insulation. We don't need that in the roof. They just offered it. It was not asked for." Commissioner Lucas continued "Is this for the entire roof?" Mr. Howard responded "It is the entire warehouse section. The part we use. It is not the tower. It is the mill section of the building. One reason it sounds kind of high is because there is actually 3 roofs on there now and they will pull all of that off before they put the new roof on. It actually has 1 roof too many actually by code now."

Commissioner Satterfield asked "Do you have any references on these companies?" Mr. Howard responded "Baker Roofing did work for the Town of Yanceyville on the municipal building and the only problem they had was when they did the roofing working they messed up the parking lot and they had to come back and re-pave that. That was outside the scope of the

work.” Commissioner Satterfield asked “So they did not have any problem with their work?” Mr. Howard responded “No sir.”

Commissioner Carter asked “When we were talking during the budget the cost of the roof was \$140,000 where will the extra money come from?” Mr. Howard responded “It will come out of what you have in the capital fund.”

Commissioner Lucas asked “What is the balance of the capital fund?” Mr. Howard responded “About \$450,000. I will have you an exact number at the next meeting.”

Commissioner Carter asked “The only other question I have on that building is, are we going to keep it or what? Before we spend this type of money we need to know whether we are going to keep it or not.” Chairman Hall responded “What difference would it make? It would be hard to sell a building with the roof leaking.”

Commissioner Lucas moved, seconded by Commissioner Satterfield to table this item until the next meeting to give the county manager time to get references on the bidders.

Chairman Hall asked “I have to ask this, as we start going through the purchasing process for any goods or services is it going to be a part of our process to always request staff to bring in references? It seems like we are going to pick some and not do some and maybe if we are that concerned about the quality of work maybe we need to change our purchasing procedures. It is just like hiring someone if you ask for references they are going to give you the folks that will speak highly of them. If we are going to change our purchasing procedures we need to require our staff to do something not just go out and find references.”

Commissioner Carter stated “I know when we talked about the first one they asked for references but when we talked about the second one he had a reference.” Chairman Hall responded “He responded to a question. I don’t know if that was a reference or not.”

Upon a vote of the motion, the motion carried by a vote of four to three with Commissioners Carter, Hall and Jefferies voting no.

APPROVAL OF PROPOSAL FOR GROUNDWATER MONITORING & REPORTING SERVICES AT THE CASWELL COUNTY LANDFILL

Mr. Howard stated “We have to have this done every year for the landfill, the closed section of the landfill. The price is \$5,500. That is the same it has been for the last couple of years. They will come out and inspect 2 times.”

Commissioner Satterfield moved, seconded by Commissioner Williamson to accept the County Manager’s recommendation. The motion carried unanimously.

GUILFORD MILLS RENTAL REQUEST
Triumph, LLC – 2 offices

Mr. Howard stated “We have another request for rental offices at Guilford Mills, Triumph, LLC is asking for 2 office spaces.”

Chairman Hall asked “And the normal process when we lease to providers is you bring them before this Board?” Mr. Howard responded “Yes sir.”

Commissioner Lucas asked “Who is Triumph, LLC?” Mr. Howard responded “They are one of the providers in mental health.” Commissioner Lucas continued “So they are for mental health?” Mr. Howard responded “Any lease that I bring you will be for mental health providers?” Commissioner Lucas asked “How many office spaces are left over there?” Mr. Howard responded “If you do this I think there are 4 or 5 offices left.” Chairman Hall responded “We have a lot of space over there.”

Commissioner Travis moved, seconded by Commissioner Jefferies to approve the lease to Triumph, LLC.

Commissioner Lucas asked “Will we be approving the lease after it is written?” Chairman Hall asked “What would be the difference?” Commissioner Lucas responded “The rates.” Chairman Hall stated “I think we rent all of our office for the same amount.” Mr. Howard added “All of them are the same, \$6 square foot. At the next budget year I will look at that again and the Board can decide if we need to go up on that rate.” Commissioner Lucas asked “Can we get a copy of the lease?” Mr. Howard responded “There is a copy in your packet.”

Upon a vote of the motion, the motion carried unanimously.

APPROVAL OF COUNTY EMPLOYEE PICNIC AT FARMER LAKE

Mr. Howard stated “The Employee Appreciation Committee has asked me to come to you to request holding a county employee picnic at Farmer Lake Tuesday, September 18th at 5:30 p.m. and a rain date the following Tuesday, September 25th. We are proposing to pay for this; we actually got a rebate from CIGNA on our health insurance last year, roughly \$6,000. We will use part of these funds to pay for this picnic.”

Commissioner Lucas asked “Do we need to make a determination on how we can spend this money?” Mr. Howard responded “Some of the money has to go back to the different entities involved. We do the insurance for the ABC Board and the Hyco Lake Authority. That money will go back to them but we will have money left over that will be more than enough to cover this or what we are asking to do. It is county general fund dollars that will pay for that. A percentage will go back to employees who had dependent coverage; it will go back to them. We are proposing that we use it to go back to the employees.” Commissioner Lucas continued “How much are they anticipating using?” Mr. Howard responded “Roughly \$1500 to serve hot dogs and hamburgers. They would also like for the Board to entertain doing the cooking for the picnic as well.”

Commissioner Satterfield asked “How much money did you say?” Mr. Howard responded “About \$1500. It will be hamburgers and hotdogs. It is not going to be like the appreciation banquet. The thought behind this was to do something for the employees and to get them out to Farmer Lake to let them see what we have out there to see what is going on. They will be able to use the kayaks and canoes. It is to get them out to the lake to see what is going on. The thought behind this is if possible starting next spring to do an employee family appreciation picnic or whatever.”

Commissioner Carter moved, seconded by Commissioner Williamson to approve the county employee picnic at Farmer Lake.

Commissioner Lucas asked “Chairman Hall do we need to set a limit on how much can be spent?” Commissioner Williamson responded “He said about \$1500.”

Upon a vote of the motion, the motion carried unanimously.

COUNTY MANAGER’S REPORT

H438 – County Human Services Administration Flexibility: Changes to 153A-77 Governance

Mr. Howard stated “Commissioner Lucas had some questions about this at the last meeting. What I brought to you is the Association’s new bill entails. There is also a webinar on August 30th. Once the webinar is held you can go online and view the webinar anytime. They are going to go through and explain this in detail in the webinar. This will be put on by the School of Government.”

Chairman Hall stated “In addition to the information that was provided I asked the Clerk to provide a copy of a news article that was passed on to me of the planned merger in Brunswick County. This is just for information. I am not pro or con on this.”

Mr. Howard stated “The webinar is August 30th from 10:00 a.m. until 11:30 a.m. If you would like to do it, it is free. You can do it at home or we can set it up here if you would like to do that.” Commissioner Lucas asked “Can you give us a phone call to remind us of the webinar.” Chairman Hall stated “If anybody else is interested please let the clerk know.”

Vehicle Use Policy

Mr. Howard stated “I have a copy in here for your review. I am not going to ask for a vote tonight. I just wanted to get it in your hands. I figured that you needed more than a weekend to take a look at this. We can have this on the next agenda for discussion unless you are ready for discussion tonight.”

Chairman Hall stated “I think we need a little more time but I will make a few comments up front and then at the next meeting we can be prepared. I read through this policy and one of the things that hit me right away is we have a lot of things in there that we say that we are going to

do but there are no consequences in there. I think if you have a policy somewhere there needs to be a consequence if you violate that policy.”

Commissioner Lucas stated “Chairman Hall we also need to take note of the public comments that were made tonight with the zero tolerance after an incident or accident with the substance abuse testing. I think that needs to be look into as well.” Chairman Hall responded “Or a very good justification or reason why it should not be considered. I will also tell you just to alert you and staff some of the things that are being proposed in here I do not support. The whole issue of staff being able to drive where they want to whenever they want to I still have a problem with that. I mentioned this to the manager last week so I will mention it to the full Board as a matter of public record. Friday before last I was at the State Employees’ Credit Union at 8:30 when it opened. One of our units drove in and was there at 8:30. I took care of my business and left and I went to the Senior Center. I left the Senior Center at about 9:00 and when I came back that unit was coming by headed to the base. I am putting that out as an example because I observed that and it posed a problem for me. I don’t think what is being suggested in this proposed policy I can support. Now the other side of that so you will know and staff will know I asked the county manager also when the shift started and you told me at what time sir?” Mr. Howard responded “The shift changes at 7:00.” Chairman Hall continued “I would hope that our employees in other departments do not come to work at whatever their appointed time do some things and then go out and have some breakfast. I believe that if you report to work at 7:00 you should have your breakfast before you get there. I understand that during the 24 hours shift that you have to have a meal but I just don’t agree with coming in and starting your day with a meal on the clock. These are the things that I am going to bring up and I want staff to have a real good reason if nobody wants to change that because I will not support it.”

Commissioner Williamson asked “Do we have a discipline policy for information that was in that vehicle policy would be covered by the disciplinary policy.” Chairman Hall responded “That is what I am talking about with consequences.” Mr. Howard stated “We are dealing with the Vehicle Policy now but you included in the budget to bring someone in to renew the personnel policy. A lot of these policies that we have separated will be tied in to the personnel policy as well.” Chairman Hall stated “For Commissioner Williamson please get him a copy of that because as we go we don’t need to wait or postpone things if we can correct the situation now even if it has to be tweaked later. That was a good point. If anyone needs anything please ask the Clerk to get them to you. Most of this we can get automated I am sure. She can push a button and it will be right in here.”

ANNOUNCEMENTS AND UPCOMING EVENTS

Commissioner Carter stated “The Brightleaf Hoedown will be Saturday, September 22nd.”

Chairman Hall stated “This past weekend I did attend the North Carolina Association of County Commissioners Annual Conference and there will be a written report on the next meeting’s agenda.”

CLOSED SESSION

Commissioner Carter moved, seconded by Commissioner Travis that the Board enter into Closed Session to preserve the Attorney/Client privilege for Triumph, LLC versus Alamance-Caswell LME, Alamance County and Caswell County (NCGS 143-318.11(a)(3)). The motion carried unanimously.

REGULAR SESSION

Commissioner Travis moved, seconded by Commissioner Jefferies to resume regular session. The motion carried unanimously

ADJOURNMENT

At 9:35 p.m. Commissioner Jefferies moved, seconded by Commissioner Williamson to adjourn. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

Nathaniel Hall
Chairman
